. PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:   10/829,131

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Applicants: James Chieh-Tsung Chen et al.

Group Art Unit: 2617

Examiner: German Viana Di Prisco

Title: ALL-IN-ONE WIRELESS NETWORK

Attorney Docket: MP0506

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants request a Pre-Appeal Brief Conference in response to factual

deficiencies contained in the Final Office Action mailed April 1, 2008. Claims 1-54 are

pending in the application, with claims 1, 10, 17, 28, 37 and 44 being independent.

STATUS OF CLAIMS

Claims 1, 3, 6, 10, 17, 19, 21-23, 28, 30, 33, 44, 46, 48-50 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,644,576 to **Bauchot**.

Claims 37 and 39-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Pat. Pub. No. 2003/0212761 to **Meredith**.

Claims 2, 11, 18, 29, and 45 stand rejected under 35 U.S.C. 103(a) as unpatentable over Bauchot.

Claims 4-5, 7, 8, 12-16, 20, 24, 25-26, 31-32, 34-35, 47, and 51-53 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bauchot in view of Meredith.

Claims 9, 27, 36 and 54 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bauchot in view of U.S. Pat. No. 5,572,528 to **Shuen**.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meredith.

SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 1 recites a wireless network device for communicating with a network. The wireless device includes memory to store an image comprising a plurality of virtual machines and only one multi-tasking operating system. Each of the virtual machines comprises a wireless network application to execute on the multi-tasking operating system.

Independent Claims 10, 17, 28, 37 and 44 recite similar subject matter.

Namely, Claim 37 recites a computer program embodying instructions recorded on a computer readable medium. The program includes storing an image comprising a

plurality of virtual machines and only one multi-tasking operating system. Each of the virtual machines comprises a wireless network application to execute on the multi-tasking operating system.

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ARGUMENT

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With respect to Claim 1, Bauchot does not at least show, teach or suggest memory to store an image comprising a plurality of virtual machines and only one multi-tasking operating system. **Each of the virtual machines includes a wireless network application to execute on the multi-tasking operating system.**

As best understood by Applicants, Bauchot is directed to a typical media access control scheme for a WLAN that, among other things, **does not show teach or suggest virtual machines.** Nevertheless, the Examiner asserts that "application programs" of Bauchot may be considered virtual machines.

Applicants have carefully reviewed Bauchot and fail to find any disclosure, teaching, or suggestion that the "application programs" are virtual machines. Virtual machines, as discussed in Paragraph [0023] of the Application, include software that creates a virtualized environment between the computer platform and its operating system and allow one physical resource to function as multiple physical resources. In other words, Claim 1 provides a network device having limited physical resources with multiple virtual machines that include multiple wireless applications. The network device of Claim 1 may switch between wireless applications of the virtual machines without having to reboot functional requirements for each wireless application. In contrast, switching between typical wireless devices generally requires rebooting of various functional requirements.

Bauchot does not discuss how a processor switches between application programs, nor does Bauchot even mention that the application programs are virtual machines. Although the Examiner is entitled to a reasonably broad interpretation of the claim terms, the Examiner must interpret the claims consistent with the specification. MPEP §2111, citing *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). As discussed above, Applicant's specification clearly provides a distinction between virtual machines and applications and, therefore, the application programs of Bauchot cannot be construed to be virtual machines as asserted by the Examiner.

Further, according to the Examiner, each "application program" comprises a wireless network application, according to Column 5, Lines 65-67. Column 5, Lines 65-67 recite: "(t)he computer 50 runs an operating system 70 which supports one or more user application programs 72." Applicants have carefully reviewed this section and fail to find the claimed feature. Instead, it appears that **the user application programs of Bauchot are typical user interface programs**. The user application programs are all included in (but do not include) a single wireless device, such as a remote station or base station, as seen in Fig. 2 of Bauchot. As best understood, **Bauchot does not assert that the user application programs each include wireless application programs.**

Each of the claimed virtual machines includes a wireless network application, such as a wireless access point that executes on a multi-tasking operating system. Bauchot does not at least show, teach, or suggest that the user application programs are virtual machines with each including a wireless network application.

Therefore, Claim 1 (and the claims that depend therefrom) are believed to be allowable for at least these reasons. Claims 17, 28, 37 and 44 (and the claims that depend therefrom) are allowable for at least similar reasons as Claim 1.

Further, with respect to Claim 37, Meredith does not at least show, teach, or suggest a plurality of virtual machines with each including a wireless network application. As best understood by Applicants, Meredith is directed to a process kernel that connects application programs to the hardware of a computer. The Examiner asserts that application programs of Meredith are virtual machines with each including a wireless network application. However, Meredith does not support this assertion. Instead, Meredith uses virtual machines in the process kernel, as is common. **The process kernel does not include wireless network applications.** Further, **the process kernel is not included within the application programs**.
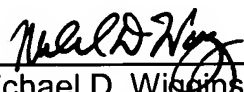
Therefore, Claim 37 (and the claims that depend therefrom) are believed to be allowable for at least the above reasons.

Accordingly, Applicants respectfully submit that the presently pending claims are in condition for allowance.

Respectfully submitted,

Dated: June 30, 2008   By: _____

Michael D. Wiggins
Reg. No. 34,754

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MDW/JHP/mp